

Remarks

Claims 1-12 are currently pending in the patent application. For the reasons and arguments set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

Claim 10 has been amended to expressly state that various aspects occur during booting of the user device.

Various other claim amendments have been made to improve readability, to replace extraneous “comprising” language or to remove “means” language. Applicant respectfully submits that these changes are not made for the purpose of overcoming rejections.

In the Office Action dated February 21, 2008, the following rejection is present: claims 1-12 stand rejected under 35 U.S.C. § 102(b) over the Cohn reference (US Patent No. 6,317,791).

Applicant respectfully submits that the rejection of claims 1-12 under 35 U.S.C. § 102(b) over the Cohn reference is improper for failing to correspond to each limitation of the claims. For instance, Applicant respectfully submits that the portions of the Cohn reference that are relied upon by the Office Action fail to address limitations directed to communicating, transmitting or receiving during booting of a user device. The Office Action appears to assert that Cohn’s teachings relating to a “start-up time” correspond to the claimed booting. Applicant respectfully submits that none of the cited portions (nor Applicant’s review of the Cohn disclosure) teach that the device connects or downloads data from the video provider of Cohn during this start-up time. This is perhaps most clearly shown by Cohn’s figure 6. As can be seen in this figure (also supported by the relevant discussion at col. 10, line 40 *et seq.*), the connection and downloading steps 330-360 occur prior to startup 370. Applicant therefore respectfully submits that the rejections are improper as Cohn fails to teach communicating with or downloading from a third party device while booting. Accordingly, Applicant requests that the rejections be withdrawn.

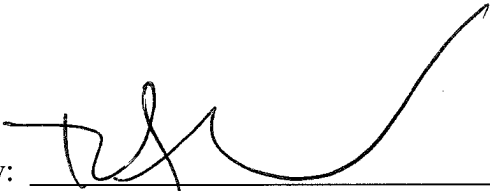
Moreover, Applicant respectfully submits that various other limitations have not been shown. As an example, the Office Action asserts correspondence to claim limitations of dependent claim 2 in a manner that is illogical. The Office Action cites to col. 6, lines 50-60 as corresponding to limitations directed to: 1) inquiring whether a third-party device has multimedia content to download to said user device; 2) receiving a response to

said first request; 3) sending a second request to download the content, the request being based on the response; and 4) receiving the multimedia content. Applicant submits that the cited passage mainly teaches: 1) sending a request for a specific file and then 2) transmitting that file. This simple procedure does not correspond to the limitations, which require a specific inquiry as to whether the third-party device has multimedia content prior to requesting and receiving the content.

In view of the remarks above, Applicant believes that each of the rejections/objections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063.

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